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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,742	12/28/2000	Joseph W. Cole	COLEI.0006P	7208
32856	7590	07/07/2009		
WEIDE & MILLER, LTD. 7251 W. LAKE MEAD BLVD. SUITE 530 LAS VEGAS, NV 89128			EXAMINER COBURN, CORBETT B	
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			3714	
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			07/07/2009 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/750,742

Applicant(s)

COLE ET AL.

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 47, 48 and 50-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 47, 48 and 50-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C2)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. On 20 March 2009, the Board of Patent Appeals & Interferences issued a ruling that interpreted the claims in a manner different from that of the Examiner. Examiner is aware of art that, under the Board's interpretation of the claims, clearly anticipates some of the Applicant's claims & renders the rest obvious. Therefore, Examiner has no choice but to re-open prosecution of the case & issue the following rejection.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 51 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 51 recites the limitation "said at least one second wager accepting device" in line

3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 47, 50 & 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Zeigert (US Patent Number 5,332,076).

**Claim 47:** Zeigert teaches the claimed base unit & console. There is a first (A) and second (B) electronically controlled video display on the first face of the console. These are positioned sufficiently proximate to one another to be viewed at the same time by the first player at the first station.

There is at least one wager accepting device (3 & 4) to accept a wager placed by the first player to play either or both of the wagering games. That is, the player puts his wager in either the coin slot (3) or the bill acceptor (4) and can play either or both slot machines (A & B) as desired. Each of the first (A) and second (B) gaming machines has its own game controller adapted to independently generate and present their respective wagering game information (including outcomes) to the player on its respective video screen. (Fig 2 shows independent machines. Col 3, 1-2 describes the gaming machines as “conventional gaming machines”, thus indicating that each has all of the hardware associated with a gaming machine (except wager accepting hardware) and that each operates independently.) This arrangement allows a player to concurrently play & view wagering games on both wagering machines. (Col 4, 56-58 & Col 5, 10-13) There is at least one player input device (6-9) permitting the player to provide input to the gaming station affecting the games presented on the two displays. These keys allow credits to be allocated between machines & thus determine which machine (or machines) the player will play.

**Claim 50:** The base portion is generally upwardly extending & defines a 1<sup>st</sup> vertical surface & the 1<sup>st</sup> gaming controller is mounted to the 1<sup>st</sup> vertical surface. (Fig 1)

**Claim 52:** Function keys 5-9 are considered a keypad. They are mounted between the 1<sup>st</sup> & 2<sup>nd</sup> displays. (Fig 1)

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 48, 51 & 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeigert as applied to claim 47 in view of Fey (*Slot Machines, A Pictorial History of the First 100 Years.*) (See NPL of 27 September 2002.)

**Claim 48:** Zeigert teaches the invention substantially as claimed, but fails to teach a third & fourth slot machine arranged on the other side of the base unit & a second wager accepting unit for the 2<sup>nd</sup> player – i.e., placing gaming machine boxes back-to-back. Fey's cover shows an entire room of slot machine boxes placed back-to-back. This is an efficient utilization of casino floor space. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Zeigert in view of Fey to arrange the systems back-to-back in order to make efficient use of casino floor space.

**Claim 51:** The location of the wager accepting device or devices, whether between gaming machines as shown in Fig 1 of Zeigert or on the end is a matter of design choice. It has no effect on the function of the claimed game station.

**Claim 57:** Zeigert teaches the invention substantially as claimed (see claims 47), but fails to teach providing a chair or an additional playing surface (i.e., a shelf). Fey teaches

providing chairs. (Page 212) Fey also teaches slot machines with additional playing surfaces (i.e., shelf or tabletop). (See at least pages 215, 221& 239.) Chairs & additional surfaces add to the convenience of the player. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided chairs & additional playing surfaces for the convenience of players.

**Claims 58-60:** The height of the cabinet, the location of controllers within the cabinet and the physical location of devices associated with the cabinet, the shape of the cabinet are all a matter of design choice. Such factors do not patentably distinguish over the prior art since they do not solve any stated problem or produce unexpected results. Simply put, the designer may build the cabinet in any configuration desired without changing the workings of the device.

9. Claims 53, 55 & 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeigert in view of Walker (US Patent Number 6,113,495).

**Claim 53, 55:** Zeigert teaches the invention substantially as claimed -- see the discussion of claim 47 above. Keys 6-9 are allocation input means permitting the 1<sup>st</sup> player to allocate value as one or more wagers for playing the 1<sup>st</sup> & 2<sup>nd</sup> wagering games. Zeigert fails to teach a video selector adapted to provide non-gaming video data from a non-game video feed to either of the 1<sup>st</sup> or 2<sup>nd</sup> video displays. Walker teaches displaying all game information and a non-game video feed (i.e., television programming) on a single display. Video display area (346) displays video feed and slot machine reels. (Col 7, 17-49) Walker teaches that displaying video enhances player retention. (Title) It would have been obvious to one of ordinary skill in the art at the time of the invention to have

modified Zeigert in view of Walker to include a non-game video feed to the first or second display such that the player may see the video feed on one of the same displays presenting the first and second game information in order to enhance player retention.

**Claim 56:** Walker teaches a gaming machine with two video screens (362 & 346). The video feed may be displayed on either device. Player interface (370) is used to select the desired video and must be used to determine which display the video is played on since the video is not played on both displays. This is the claimed “at least one control”.

10. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zeigert & Walker as applied to claim 53 above, and further in view of Fey.

**Claim 54:** Zeigert & Walker teach the invention substantially as claimed, but fail to teach the claimed back-to-back arrangement. As noted in connection with claim 48 above, this is extremely well known and is used in many casinos since it makes efficient use of floor space. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Zeigert & Walker in view of Fey to arrange the systems back-to-back in order to make efficient use of casino floor space.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Reopening of prosecution approved by:  
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